

**Introduced by Senator Block**

February 22, 2013

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An act to amend Section 3545 of the Government Code, relating to public employees.

**LEGISLATIVE COUNSEL'S DIGEST**

SB 765, as introduced, Block. Public employees: collective bargaining.

Existing law permits public school employees to form, join, and participate in the activities of employee organizations of their own choosing for the purpose of representation on all matters of employer-employee relations, as specified. Existing law permits an employee organization to become the exclusive representative of an appropriate unit for purposes of meeting and negotiating, as specified. Under existing law, in each case where the appropriateness of the unit is an issue, the Public Employment Relations Board shall decide the question on the basis of the community of interest between and among the employees and their established practices including, among other things, the extent to which those employees belong to the same employee organization, and the effect of the size of the unit on the efficient operation of the school district. Existing law provides that in the case of a district that employs 20 or more supervisory peace officer employees, a negotiating unit of supervisory employees shall be appropriate if it includes any of the following: all supervisory nonpeace officer employees employed by the district and all supervisory peace officer employees employed by the district; all supervisory nonpeace officer employees employed by the district, exclusively; or all supervisory peace officer employees employed by the district, exclusively. Existing law further provides that a negotiating unit of

supervisory employees shall not be represented by the same employee organization as employees whom the supervisory employees supervise.

This bill would make a technical, nonsubstantive change to these provisions.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 3545 of the Government Code is amended  
2 to read:

3 3545. (a) In each case where the appropriateness of the unit  
4 is an issue, the board shall decide the question on the basis of the  
5 community of interest between and among the employees and their  
6 established practices including, among other things, the extent to  
7 which ~~such~~ *those* employees belong to the same employee  
8 organization, and the effect of the size of the unit on the efficient  
9 operation of the school district.

10 (b) In all cases:

11 (1) A negotiating unit that includes classroom teachers shall not  
12 be appropriate unless it at least includes all of the classroom  
13 teachers employed by the public school employer, except  
14 management employees, supervisory employees, and confidential  
15 employees.

16 (2) Except as provided in subdivision (c), a negotiating unit of  
17 supervisory employees shall not be appropriate unless it includes  
18 all supervisory employees employed by the district and shall not  
19 be represented by the same employee organization as employees  
20 whom the supervisory employees supervise.

21 (3) Classified employees and certificated employees shall not  
22 be included in the same negotiating unit.

23 (c) In the case of a district which employs 20 or more  
24 supervisory peace officer employees, a negotiating unit of  
25 supervisory employees shall be appropriate if it includes any of  
26 the following:

27 (1) All supervisory ~~nonpeace-officer~~ *non-peace-officer*  
28 employees employed by the district and all supervisory peace  
29 officer employees employed by the district.

30 (2) All supervisory ~~nonpeace-officer~~ *non-peace-officer*  
31 employees employed by the district, exclusively.

- 1     (3) All supervisory peace officer employees employed by the
- 2     district, exclusively.
- 3     A negotiating unit of supervisory employees shall not be
- 4     represented by the same employee organization as employees
- 5     whom the supervisory employees supervise.

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